

SRF 37946

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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DEC 04 2019

In re:))	Chapter 11	DIV OF OIL, GAS & MINING
MURRAY ENERGY HOLDINGS CO., <i>et al.</i> , ¹))	Case No. 19-56885 (JEH)	
))	Judge John E. Hoffman, Jr.	
Debtors.))	(Jointly Administered)	

**NOTICE OF AGENDA FOR HEARING ON
MOTIONS SCHEDULED FOR DECEMBER 4, 2019**

Time and Date of Hearing: December 4, 2019, at 9:30 a.m. (prevailing Eastern Time)

Location of Hearing: The Honorable John E. Hoffman, Jr.
United States Bankruptcy Court for the Southern District of Ohio
Courtroom A, 5th Floor, 170 North High Street, Columbus,
Ohio 43215

This agenda sets forth items in the order they appear in the second day motions binders delivered to the Court. The status of each is set forth below.

Any party who wishes to attend telephonically is required to make arrangements through CourtSolutions by telephone (917-746-7476).

I. UNCONTESTED MATTERS

1. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses and (B) Continue Employee Benefits Programs, and (II) Granting Related Relief [Docket No. 14].

Responses Received: Informal comments from the U.S. Trustee, the Ad Hoc Group of Superpriority Lenders (the "Ad Hoc Group"), the Official

¹ Due to the large number of Debtors in these chapter 11 cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. Such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.primeclerk.com/MurrayEnergy>. The location of Debtor Murray Energy Holdings Co.'s principal place of business and the Debtors' service address in these chapter 11 cases is 46226 National Road, St. Clairsville, Ohio 43950.

(B) Renew, Supplement, and Enter into New Insurance Policies, (C) Honor the Terms of the Premium Financing Agreements and Pay Premiums Thereunder, (D) Enter into New Premium Financing Agreements in the Ordinary Course of Business, and (II) Granting Related Relief [Docket No. 18].

Responses Received: Informal comments from the Ad Hoc Group, the UCC, and BankDirect.

Related Documents:

- A. Certificate of Service [Docket No. 84].
- B. Interim Order (I) Authorizing the Debtors to (A) Continue their Insurance Policies and Honor All Obligations in Respect thereof, (B) Renew, Supplement, and Enter into New Insurance Policies, (C) Honor the Terms of the Premium Financing Agreements and Pay Premiums thereunder, and (D) Enter into New Premium Financing Agreements in the Ordinary Course of Business, and (IV) Granting Related Relief [Docket No. 106].
- C. Certificate of Service of Mary Susan McAndrew Regarding First Day Orders, Interim Orders, and NOL Notice [Docket No. 163].
- D. Certificate of No Objection Regarding (I) Authorizing the Debtors to (A) Continue Their Insurance Policies and Honor All Obligations in Respect Thereof, (B) Renew, Supplement, and Enter into New Insurance Policies, (C) Honor the Terms of the Premium Financing Agreements and Pay Premiums Thereunder, (D) Enter into New Premium Financing Agreements in the Ordinary Course of Business, and (II) Granting Related Relief [Docket No. 309].

Status: This matter is going forward on an uncontested basis.

- 4. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Continue Their Surety Bond Program and (B) Pay Related Ordinary Course Obligations, and (II) Granting Related Relief [Docket No. 19].

Responses Received: Informal comments from the Ad Hoc Group, the UCC, the Department of Justice, and Argonaut Insurance Company.

Related Documents:

- A. Certificate of Service [Docket No. 84].
- B. Interim Order (I) Authorizing the Debtors to Continue their Surety Bond Program and (II) Granting Related Relief [Docket No. 99].
- C. Certificate of Service of Mary Susan McAndrew Regarding First Day Orders, Interim Orders, and NOL Notice [Docket No. 163].

Declarations of Worthlessness with Respect to Common Stock and
(II) Granting Related Relief [Docket No. 313]

Status: This matter is going forward on an uncontested basis.

7. Debtors' Motion for Entry of an Order (I) Authorizing the Rejection of a Certain Executory Contract Effective *Nunc Pro Tunc* to the Petition Date and (II) Granting Related Relief [Docket No. 52].

Responses Received: Informal comments from Raven Energy LLC.

Related Documents:

- A. Certificate of Service [Docket No. 150].
- B. Notice of Debtors' Motion for Entry of an Order (I) Authorizing the Rejection of a Certain Executory Contract Effective *Nunc Pro Tunc* to the Petition Date and (II) Granting Related Relief [Docket No. 161].
 - i. Certificate of Service of *Notice* [Docket No. 183].
- C. Certificate of No Objection Regarding Order (I) Authorizing the Rejection of a Certain Executory Contract Effective *Nunc Pro Tunc* to the Petition Date and (II) Granting Related Relief [Docket No. 308].

Status: This matter is going forward on an uncontested basis.

II. ADJOURNED MATTERS

8. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Continue to Operate Their Cash Management System, (B) Maintain Existing Business Forms, and (C) Perform Intercompany Transactions and Pay Prepetition Obligations Related Thereto, and (II) Granting Related Relief [Docket No. 13].

Responses Received:

- A. Statement of Foresight in Support of, and Reservation of Rights with Respect To, Debtors' (I) Cash Management Motion and (II) DIP Financing Motion [Docket No. 59].
- B. Informal comments from the UCC.

Related Documents:

- A. Certificate of Service [Docket No. 84].
- B. Interim Order (I) Authorizing the Debtors to (A) Continue to Operate their Cash Management System, (B) Maintain Existing Business Forms, and

- C. Certificate of Service of Mary Susan McAndrew Regarding First Day Orders, Interim Orders, and NOL Notice [Docket No. 163].
- D. Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 315].

Status: This matter is adjourned to a hearing scheduled on December 12, 2019, at 9:30 a.m. (prevailing Eastern Time).

10. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Perform Under Existing Coal Sale Contracts in the Ordinary Course of Business and (B) Enter into and Perform Under New Coal Sale Contracts in the Ordinary Course of Business, and (II) Granting Related Relief [Docket No. 16].

Responses Received: Informal comments from the UCC.

Related Documents:

- A. Certificate of Service [Docket No. 84].
- B. Interim Order (I) Authorizing the Debtors to (A) Perform Under Existing Coal Sale Contracts in the Ordinary Course of Business and (B) Enter into and Perform Under New Coal Sale Contracts in the Ordinary Course of Business, and (II) Granting Related Relief [Docket No. 101].
- C. Certificate of Service of Mary Susan McAndrew Regarding First Day Orders, Interim Orders, and NOL Notice [Docket No. 163].
- D. Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 315].

Status: This matter is adjourned to a hearing scheduled on December 12, 2019, at 9:30 a.m. (prevailing Eastern Time).

11. Debtors' Motion for Entry of Interim and Final Orders (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving the Debtors' Proposed Procedures for Resolving Adequate Assurance Requests, and (IV) Granting Related Relief [Docket No. 23].

Responses Received:

- A. Objection of American Electric Power to the Debtors' Motion for Entry of Interim and Final Orders (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving the Debtors' Proposed Procedures for Resolving Additional

- D. CONSOL Energy Inc. And Affiliates' Objection to the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 267].
- E. Informal comments from the UCC.

Related Documents:

- A. Declaration of Gregory Berube in Support of the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 28-3].
- B. Certificate of Service [Docket No. 84].
- C. Interim Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Use Cash Collateral, (II) Granting Liens and Providing Superpriority Administrative Expense Status, (III) Granting Adequate Protection to the Prepetition Secured Parties, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief [Docket No. 93].
- D. Certificate of Service of Mary Susan McAndrew Regarding First Day Orders, Interim Orders, and NOL Notice [Docket No. 163].
- E. Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 294].

Status: This matter is adjourned to a hearing scheduled on December 12, 2019, at 9:30 a.m. (prevailing Eastern Time).

- 13. Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Dinsmore & Shohl LLP as Attorneys for the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 213, filed November 15, 2019].

Responses Received: Informal comments from the U.S. Trustee.

Related Documents:

- A. Notice of Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Dinsmore & Shohl LLP as Attorneys for the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 217].

16. Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Alvarez & Marsal North America, LLC as Financial Advisor to the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 216].

Responses Received: Informal comments from the U.S. Trustee.

Related Documents:

- A. Notice of Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Alvarez & Marsal North America, LLC as Financial Advisor to the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 220].
- B. Certificate of Service of Motion and Notice [Docket No. 248].
- C. Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 294].

Status: This matter is adjourned to a hearing scheduled on December 12, 2019, at 9:30 a.m. (prevailing Eastern Time).

17. Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Evercore Group L.L.C. as Investment Banker to the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 223].

Responses Received: Informal comments from the U.S. Trustee, the UCC, and the Ad Hoc Group.

Related Documents:

- A. Notice of Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Evercore Group L.L.C. as Investment Banker to the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 224].
- B. Certificate of Service of Motion and Notice [Docket No. 248].
- C. Notice of Continuance of Hearing for Certain Matters Scheduled for December 4, 2019 [Docket No. 294].

Status: This matter is adjourned to a hearing scheduled on December 12, 2019, at 9:30 a.m. (prevailing Eastern Time).

18. Debtors' Motion for Entry of an Order (I) Authorizing the Retention and Compensation of Certain Professionals Utilized in the Ordinary Course of Business, and (II) Granting Related Relief [Docket No. 221].

Responses Received: Informal comments from the U.S. Trustee.

Dated: December 2, 2019
Cincinnati, Ohio

/s/ Kim Martin Lewis

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